

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CAMPMOR, INC., :
Plaintiff, : **ORDER**
v. : Civ. No. 09-5465 (WHW)
BRULANT, LLC, :
Defendant. :

Walls, Senior District Judge

These matters having come before the Court on both parties' various motions in limine (ECF Nos. 84, 85, 87, 89), for the reasons set forth in the accompanying Opinion and good cause therefor,

It is, on this 30th day of April, 2013,

ORDERED the following:

- 1) Brulant's motion to limit Campmor's claims to the website upgrade and SEO work and to preclude all facts and issues related to Brulant's work from 2006 to 2008 is DENIED. The specific statements contained in the Requests for Admissions dated March 30, 2010, which Campmor never responded to, are deemed admitted.
 - 2) Brulant's motion to bar Campmor from referring to "best practice standards" is DENIED.
 - 3) Brulant's motion to exclude any extra-contractual information is GRANTED in part and DENIED in part. Campmor may not introduce other documents or information to augment

Brulant's contractual obligations, but Campmor may introduce extrinsic evidence for the purpose of proving negligent misrepresentation.

- 4) Brulant's motion to bar lay testimony of Campmor managers and employees regarding Brulant's performance under the contracts is DENIED.
- 5) Brulant's motion to bar testimony of Red Baritone and Net Concepts employees is DENIED in part and GRANTED in part. These witnesses may give testimony on technical subject matters so long as the testimony is based on their personal knowledge and experience. They may not give speculative opinions of a technical nature that are not based on their personal experience.
- 6) Brulant's motion to exclude customer feedback emails is DENIED.
- 7) Brulant's motion to exclude internal Brulant emails is DENIED.
- 8) Brulant's motion to enforce the limitation of liability clause is DENIED.
- 9) Brulant's motion to strike references in the Final Pretrial Order about Brulant making knowing misrepresentations is GRANTED.
- 10) Brulant's motion to strike portions of the Final Pretrial Order that refer to Campmor's claims for punitive damages and attorneys' fees is DENIED.
- 11) Brulant's motion to bar portions of Lori Sakowitz's and Susan Ruffalo's depositions is DENIED.
- 12) Campmor's motion to exclude testimony and argument concerning Campmor's service of process from trial is GRANTED.

/s/ William H. Walls

United States Senior District Judge